

Modern Macaroni Makers," and the macaroni was labeled in part, "Golden Age Trade Mark The Machine Dried Americanized Macaroni Net Weight 7 Ounces America's Greatest Value because from America's Largest Plant The Americanized Macaroni The Cleveland Macaroni Co., Cleveland, O. U. S. A."

Misbranding of the articles was alleged in the libel for the reason that the net weight of each and every [one] of said packages of noodles, spaghetti, and macaroni was not plainly and conspicuously declared, and for the further reason that it was food in package form, and the quantity of contents was not plainly and conspicuously declared.

On March 24, 1920, the case having come on for hearing before the court without a jury, the court, after hearing the arguments of counsel and considering the pleadings, found that the allegations in the libel charging the misbranding of the packages of spaghetti, packages of macaroni, and packages of noodles, except such as were re-marked as to net contents, were not established, and that the allegations charging the misbranding of the packages of noodles wherein the weight had been marked out and the new weight added had been established, and it was ordered that the spaghetti, macaroni, and noodles in packages not re-marked be returned to the claimant of the goods, the said The Cleveland Macaroni Co., and that the packages of the noodles which had been re-marked be condemned and forfeited to the United States. It was further ordered that said re-marked packages might be returned to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

E. D. BAIL, *Acting Secretary of Agriculture.*

**8031. Misbranding of Prescription 1000 External and Prescription 1000 Internal. U. S. \* \* \* v. 3 Dozen Bottles \* \* \* Prescription 1000 \* \* \* External \* \* \* and 7 Dozen Bottles of \* \* \* Prescription 1000 Internal. Default decree of condemnation, forfeiture, and destruction. (E. & D. No. 10533. I. S. No. 15016-r. S. No. E-1514.)**

On or about June 10, 1919, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of a drug product, known as and labeled "Prescription 1000 For External Use Only," and 7 dozen bottles of a drug product, known as and labeled "Prescription 1000 Internal," remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Reese Chemical Co., Cleveland, Ohio, on or about May 14, 1919, and transported from the State of Ohio into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the Prescription 1000 External by the Bureau of Chemistry of this department showed that it consisted essentially of a dilute aqueous solution of potassium permanganate.

Misbranding of this article was alleged in substance in the libel for the reason that the following statements, appearing on the label and on the wrapper of each of the packages, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed by the language of said label and said circular: (Carton) "For Gonorrhœa and Gleet Prescription 1000 External Will not produce stricture. Contains no harmful ingredients and can be used without danger of stricture. Prescription 1000 External A companion to our internal treatment used in obstinate cases where immediate results are desired. Prescription 1000 External is an efficient treatment for Gonorrhœa and Gleet. \* \* \* Price one

dollar per bottle;" (circular) "Prescription 1000 External A companion of Prescription 1000 Internal, and is used with it, when convenient, in obstinate cases of Gonorrhœa or Gleet where the patient desires immediate relief. It can be used without Prescription 1000 Internal, but for best results both the Internal and External should be used."

Analysis of a sample of the Prescription 1000 Internal showed that it consisted essentially of a slightly alkaline emulsion of balsam of copaiba and methyl salicylate.

Misbranding of this article was alleged in substance for the reason that it did not contain any ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed for it by the language on the cartons and in the circular accompanying and contained in the said cartons, as follows: (Carton) "Prescription 1000 Internal is the most efficient treatment for Gleet and Gonorrhœa \* \* \* New Discovery for Gonorrhœa and Gleet \* \* \* Also a very good treatment for Bladder Troubles, Frequent Urination, Inflammation, \* \* \*;" (circular) "Prescription 1000 Internal For Gonorrhœa, Gleet, Bladder Troubles, Frequent Urination, Inflammation \* \* \*. Continue taking \* \* \* for several weeks after the discharge stops, and follow directions closely to insure permanent relief \* \* \*."

On January 13, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8032. Misbranding of Injection Zip. U. S. \* \* \* v. 21 7/12 Dozen Bottles of Injection Zip. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10545. I. S. No. 13436-r. S. No. E-1526.)

On June 9, 1919, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21½ dozen bottles of Injection Zip, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about October 28, 1918, by the Baker-Levy Chemical Co., Indianapolis, Ind., and transported from the State of Indiana into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of acetates and sulphates of zinc and lead, hydrastis, opium alkaloids, plant extractives, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the label and in the circular accompanying the article were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, as follows: (Bottle) "This Injection \* \* \* cannot produce stricture. Relief being speedy;" (circular) "\* \* \* Injection Zip \* \* \* for male or female. To be used for Gonorrhœa, Gleet and Leucorrhœa. Cannot Produce Stricture \* \* \* an excellent preparation for the treatment of Gonorrhœa, Gleet and Leucorrhœa for male or female. Injection Zip is a tried preparation for the above diseases \* \* \* we have no hesitation in saying that we believe it is to-day, the best injection on the market for the purpose. Ladies troubled with Leucorrhœa (Whites) will obtain a speedy relief. Injection Zip will aid the most obstinate cases in from four to five days \* \* \*."